

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1967

No. 645.

JOSEPH LEE JONES and BARBARA JO JONES,
Petitioners,

vs.

ALFRED H. MAYER COMPANY, a corporation, ALFRED
REALTY COMPANY, a corporation, PADDOCK COUN-
TRY CLUB, INC., a corporation, ALFRED H. MAYER, an
individual, and an officer of the above corporations,
Respondents.

ON WRIT OF CERTIORARI

To the United States Court of Appeals for the Eighth District.

MOTION OF AMICUS CURIAE

Missouri Commission on Human Rights for Special Leave
to Present Oral Argument and Brief in Support Thereof.

NORMAN H. ANDERSON

Attorney General

C. B. BURNS, JR.

Special Ass't. Attorney General

LOUIS C. DEFEQ, JR.

Assistant Attorney General

Supreme Court Building

Jefferson City, Missouri 65101

Attorneys for Missouri Commission
on Human Rights.

**IN THE
SUPREME COURT OF THE UNITED STATES**

OCTOBER TERM, 1967

No. 645.

JOSEPH LEE JONES, et ux,
Petitioners,

vs.

ALFRED H. MAYER COMPANY,
et al,

Respondents.

**MOTION OF AMICUS CURIAE
Missouri Commission on Human Rights
for Special Leave to Present Oral Argument.**

Comes now the Missouri Commission on Human Rights, amicus curiae in the above captioned matter, by the Attorney General of the State of Missouri and moves the court to grant special leave to present oral argument in this cause for the following reasons; to wit:

1. The Missouri Commission on Human Rights is an official agency of the State of Missouri.
2. The Commission has duly filed a brief in this court pursuant to Rule 42.
3. This cause having arisen in the State of Missouri, involving Missouri laws and affecting Missouri citizens. The Missouri Commission has special interest in the matter.

4. The Commission believes that its argument will provide assistance to the court not otherwise available; to wit:

a. The Commission's argument, as more fully set out in its brief, asserts that the direct consequence and proximate effect of the discriminatory refusal to sell a house is to deprive petitioners of clearly recognized constitutional rights which per force of State and local laws are attached to residence.

b. The Commission's argument is different and distinct from any of the arguments submitted by the parties and, to our information, by the amici in this cause. The arguments of petitioners and of the United States focus upon the right to purchase a house whereas the arguments of the Commission focus beyond the mere sale upon those rights and privileges which arise as the direct consequence of the transfer of realty.

c. The Commission believes that its argument strikes to the heart of the matter and places discrimination in the sale of housing in true perspective with the totality of community life. We urge that discrimination in the sale of housing strikes to the right to be a member of society itself.

WHEREFORE the Commission moves the court to grant it special leave to present oral argument.

BRIEF IN SUPPORT OF MOTION.

This Motion is made pursuant to Paragraph 7 of Rule 44 of this Court.

The Missouri Commission on Human Rights is the official agency of the State of Missouri established to encourage fair treatment of all groups, Chapter 213, RSMo 1959. The

Commission is charged with the responsibility of enforcing the Fair Employment Practices Act, Chapter 296, RSMo Supp. 1967, and the Public Accommodations Act, Chapter 314, RSMo Supp. 1967. Missouri does not have statewide legislation prohibiting discriminatory practices in housing.

The Commission has duly filed a brief in this court pursuant to Rule 42.

The Commission believes that its argument will provide assistance to the court not otherwise available.

The Commission's argument, as more fully set out in its brief, asserts that the direct consequence and proximate effect of the discriminatory refusal to sell a house is to deprive petitioners of clearly recognized constitutional rights which per force of State and local laws are attached to residence.

Many civil rights run with the land. They can be exercised in actuality only where one lives. For example, in order to attend free the local public school, one must be a resident of the school district.

Respondents and other suburban developers—for personal or profit motives—desire to exclude Negroes from the communities which they develop. Their concern is not primarily with Negroes owning houses but with Negro presence and involvement in the community in its many facets: schools, parks, recreation, libraries, health services, etc. Respondents are able to achieve their ends with the assistance of legal residence requirements. For example, if no residence requirement applied to free public education, land developers would be unable to exclude minority groups from the schools within the community which they are developing.

Because respondents' discriminatory purposes can only be achieved with the assistance and by the joinder of state action, their conduct comes within the scope of the Four-

teeth Amendment and they cannot act so as to deprive persons of fundamental human rights solely on the grounds of their race.

The Commission's argument is different and distinct from any of the arguments submitted by the parties and, to our information, by the amici in this cause. The arguments of petitioners and of the United States focus upon the right to purchase a house without discrimination whereas the arguments of the Commission focus upon those rights and privileges which arise as the direct consequence of the transfer of realty.

The Commission believes that its argument strikes to the heart of the matter and places discrimination in the sale of housing in true perspective with the totality of community life. We urge that discrimination in the sale of housing strikes to the right to be a member of society itself.

Therefore the Missouri Commission on Human Rights respectfully submits that the court should grant it special leave to present oral argument.

NORMAN H. ANDERSON
Attorney General

C. B. BURNS, JR.
Assistant Attorney General

LOUIS C. DEFEO, JR.
Assistant Attorney General
Supreme Court Building
Jefferson City, Missouri 65101
Attorneys for Missouri Commission
on Human Rights.
Amicus Curiae

PROOF OF SERVICE.

I, C. B. Burns, Jr., Assistant Attorney General and member of the Bar of the Supreme Court of the United States, hereby certify that copies of the foregoing Motion and Brief in Support were served by first-class mail, postage prepaid, this 19th day of February, 1968, upon the following:

Mr. Samuel H. Liberman
Attorney for Petitioners
722 Chestnut Street
St. Louis, Missouri 63101

Mr. Israel Treiman
Attorney for Respondents
611 Olive Street
St. Louis, Missouri 63101

Solicitor General
Department of Justice
Washington, D.C. 20530

C. B. BURNS, JR.
Assistant Attorney General